

The Gazette of India

EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

No. 36] NEW DELHI, FRIDAY, AUGUST 16, 1963/SRAVANA 25, 1885

LOK SABHA

The following Bills were introduced in Lok Sabha on the 16th August, 1963:—

BILL No 28 of 1963

A Bill to remove doubts as to the validity of the marriage ceremony common among the "Ananda Margies".

Enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Ananda Marga Marriage Act, Short title
extent and
commence-
ment
1963

5 (2) It extends to the whole of India

(3) It shall come into force at once

2. In this Act—

Definition.

(1) "Ananda Margi" means a person professing the ideology of cosmic brotherhood and professes no particular religion.

10 (2) "Ananda Marga Caryacarya" means the book containing the code of conduct followed by Ananda Margies.

3. All marriages which may be or may have been duly solemnised according to the marriage ceremony prescribed in Ananda Marga Caryacarya shall be, and shall be deemed to have been with effect from the date of solemnisation of each respectively, good and valid in law. Validity of
marriages
among
Ananda
Margies.

**Exemption
of certain
marriages
from Act.**

4. Nothing in this Act shall apply to—

(a) any marriage between persons not professing the code of conduct laid down for Ananda Margics.

(b) any marriage which has been judicially declared to be null and void.

5

Savings.

5. Nothing in this Act shall effect the validity of any marriage duly solemnised according to any other marriage ceremony before a person becomes Ananda Margi.

**Non-validation
of
marriages
within
prohibited
degrees.**

6. Nothing in this Act shall be deemed to validate any marriage between persons who are related to each other in any degree of 10 consanguinity or affinity which would according to Ananda Marga Caryacarya, render a marriage between them illegal.

STATEMENT OF OBJECTS AND REASONS

In India there is a large number of persons called 'Ananda Margies' who believe in a special way of life and follow the code of conduct laid down in their sacred book called Ananda Marga Caryacarya. Since they do not profess any particular religion, marriages among them are not covered by any of the existing laws.

It is, therefore, necessary that the institution of marriage among the Ananda Margies should be regulated by law as is the case with marriages under different religions.

Hence this Bill.

SHASHI RANJAN.

NEW DELHI;

The 8th April, 1963.

BILL NO. 29 OF 1963

A Bill further to amend the Delhi Panchayat Raj Act, 1954

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Delhi Panchayat Raj (Amendment) Act, 1963.

(2) It shall come into force at once.

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Amendment
of section
15.

2. In section 15 of the Delhi Panchayat Raj Act, 1954 (hereinafter referred to as the principal Act), for the words "and otherwise when any vacancy occurs" the words "and otherwise when a Pradhan is removed under section 49 or any vacancy occurs" shall be substituted.

10

Insert on
of new
section 15A.

3. After section 15 of the principal Act, the following section shall be inserted, namely:—

Disqualifi-
cation for
Pradhan of
Gaon
Panchayat.

"15A. Notwithstanding anything contained in the Delhi Land Reforms Act, 1954, no person shall be entitled to be or shall remain a Pradhan of a Gaon Panchayat if he—

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- (a) ceases to be a member of the Gaon Sabha, or
- (b) is unable to read and write Hindi or Urdu, or
- (c) is suffering from leprosy, or

(d) is an undischarged insolvent, or

(e) is a servant of the Government or any local authority, or

5 (f) is convicted of any offence under the Untouchability (Offences) Act, 1955 or of an offence involving moral turpitude or ordered to give security for good behaviour under section 110 of the Code of Criminal Procedure, 1898."

4. For section 29 of the principal Act, the following shall be substituted, namely:— Substitution
of section 29.

10 "29. (1) Every Pradhan, Up-Pradhan or member of a Gaon Panchayat or any Committee constituted under this Act, every Sarpanch, Naib-Sarpanch or Panch of a Circle Panchayat, and every member of a Panchayati Adalat shall be liable for the
15 loss, waste, or misapplication of any money or property belonging to the Gaon Sabha, Gaon Panchayat, Circle Panchayat or Panchayati Adalat if such waste or misapplication is found to be a direct consequence of his neglect or misconduct in the performance of his duties while Pradhan, Up Pradhan, or a member of a Gaon Panchayat or of any Committee, or Sarpanch, Naib-Sarpanch or Panch of a Circle Panchayat, or a member of the
20 Panchayati Adalat, as the case may be, and the prescribed authority may, after giving an opportunity, by notice served in the manner provided for the service of summons in the Code of Civil Procedure, to show cause against it, direct him to make
25 good the loss, waste or misapplication of the money or property. If the amount is not paid within 14 days from the expiry of the period of appeal prescribed under sub-section (2) or the date of decision in appeal, if any, whichever is later, the Collector on the request of the prescribed authority shall proceed forth-
30 with to recover the amount as if it were an arrear of land revenue and have it credited to the Gaon Sabha Area Fund:

35 Provided that no such person will be liable to be called upon to show cause by notice under this sub-section after the expiry of four years from the occurrence of such loss, waste or misapplication:

Provided further that any such person may be called upon to show cause as aforesaid during the said period of four years and proceeded with further even if he has ceased to hold the respective office during this period.

40 is made, may, within 30 days of the receipt of such order, appeal is made, may, within 30 days of the receipt of such order, appeal

to the Development Commissioner, Delhi or to such officer as the Chief Commissioner may appoint in this behalf, and the appellate authority may in such appeal confirm, modify or reverse the order appealed from.

(3) Nothing in this section shall be deemed to debar the Gaon Panchayat or the Circle Panchayat or any other competent authority, namely, the prescribed authority or a person authorised by it in writing, to institute criminal proceedings against the person referred to in sub-section (1) if the circumstances of the case so warrant." 10

Amendment of section 30. 5. In section 30 of the principal Act, after the words "under this act", the words "and every Pradhan or Up-Pradhan of a Gaon Panchayat" shall be inserted.

Amendment of section 36. 6. To sub-section (2) of section 36 of the principal Act, the following provisions shall be added, namely:— 15

"Provided that notwithstanding anything contained in the Code of Civil Procedure, 1908 and any other law for the time being in force, no such case shall be entertained by any civil or revenue court unless the Union of India has been added as a plaintiff or defendant according as the case is by or against the Gaon Sabha: 20

Provided further that no such case shall be decided on the admission by the Pradhan or any representative of the Gaon Sabha with respect to the right or title of any person to the property in suit whether made on his own or on the authority of a resolution of the Gaon Panchayat, unless such admission has been authorised in writing by the Director of Panchayats, Delhi." 25

Insertion of new section 36A. 7. After section 36 of the principal Act, the following section shall be added, namely:— 30

Certain decrees and orders to be voidable

"36A. (1) Notwithstanding anything contained in any other law being in force, every decree or order pertaining to any property mentioned in section 35, passed by any civil or revenue court after the commencement of this Act in any suit or proceeding to which the Union of India was not a party, shall be voidable and shall, on application made to such court by the Union of India— 35

(a) within twelve months of the commencement of the Delhi Panchayat Raj (Amendment) Act, 1963, if such decree or order was passed before such commencement, and 40

(b) otherwise within twelve months of the passing of any such decree or order,

be set aside.

5 (2) On the setting aside of any decree or order under sub-section (1), every such suit or proceeding shall be tried afresh with the Union of India as plaintiff/petitioner or defendant/respondent according as the suit/proceeding is by or against the Gaon Sabha".

8. In sub-section (4) of section 44 of the principal Act, for clause 10 (a), the following clauses shall be substituted, namely:— Amendment of section 44.

"(a) no longer a member of the Gaon Sabha; or

(aa) unable to read and write Hindi or Urdu; or".

9. For section 49 of the principal Act, the following section shall be substituted, namely:— Substitution of section 49.

15 "49. (1) A Pradhan, member or panch of a Gaon Panchayat, Circle Panchayat or Panchayati Adalat may be removed at any time by the prescribed authority in the manner prescribed if he—

(a) incurs any disqualification under section 15A or sub-section (4) of section 44 of this Act or section 153 of 20 the Delhi Land Reforms Act, 1954, as the case may be,

(b) refuses to act or becomes incapable of acting, or

(c) without reasonable cause absents himself for more than two consecutive months from the sittings of the Gaon Panchayat or the Circle Panchayat or the Panchayati 25 Adalat, as the case may be, or

(d) is, in the opinion of the prescribed authority, guilty of misconduct in the discharge of his duties, or

(e) is, in the opinion of the prescribed authority, undesirable in the public interest to continue in office, or

30 (f) is found to have encroached upon the Gaon Sabha land, or

(g) has acted against the interests of the Gaon Sabha, Gaon Panchayat, Circle Panchayat or the Panchayati Adalat, or

35 (h) disobeys any lawful order or direction issued by any court, prescribed authority or competent officer made under this Act or any other law for the time being in force, or

(1) has caused financial loss, waste or misapplication of any money or property belonging to the Gaon Sabha, Gaon Panchayat, Circle Panchayat or the Panchayati Adalat, by neglect or misconduct in the performance of his duties.

(2) A Pradhan, member or Panch removed under sub-section (1) shall not be entitled to re-election as a Pradhan, member or Panch for a period of three years and shall cease to be a Pradhan, member or Panch of the Gaon Panchayat or Circle Panchayat or Panchayati Adalat, as the case may be.

(3) A person removed under sub-section (1) shall have a right of appeal to the Chief Commissioner."

Amendment
of section 80.

10. Section 80 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-sections shall be added, namely:—

"(2) If the accused fails to appear or cannot be found, the Panchayati Adalat shall report the fact to the Sub-Divisional Magistrate concerned.

(3) On receipt of a report under sub-section (2) the Sub-Divisional Magistrate shall issue a warrant for the arrest of the accused and may direct by endorsement on the warrant that if such person executes the bond with sufficient sureties for his attendance before him in the manner provided by section 76 of the Code of Criminal Procedure, 1898, he shall be released from custody.

(4) When the accused appears before the Magistrate, he shall direct him to execute a bond with or without sureties to appear before the Panchayati Adalat on such date as he may direct, and thereafter to continue to appear before the Panchayati Adalat as directed by it.

(5) On the failure of the accused to execute such bond, the Magistrate shall remand the accused to judicial custody and submit the case to the Additional District Magistrate for transfer to a court of competent jurisdiction

(6) If the accused fails to appear before the Panchayati Adalat after executing a bond under sub-section (4), the Panchayati Adalat shall report the fact to the Magistrate before whom the bond was executed and such Magistrate shall proceed in accordance with the provision of Chapter XLII of the Code of Criminal Procedure, 1898."

11. In section 84 of the principal Act, after clause (e), the following clause shall be added, namely:— Amendment of section 84.

5 “(f) issue such orders and directions to any Gaon Sabha, Gaon Panchayat or Circle Panchayat or to the Pradhan, Up-Pradhan or any member of Gaon Panchayat or Sarpanch, Naib Sarpanch or Panch of the Circle Panchayat as may appear to be necessary for the purpose of this Act or the rules framed thereunder and it shall be the duty of such persons or the Gaon Panchayat, Gaon Sabha or the Circle Panchayat to forthwith carry
10 out such orders and comply with such directions.”

12. In section 85 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:— Amendment of section 85.

15 “(1) The prescribed authority or any other officer specially empowered in this behalf by the Chief Commissioner on information received or on its or his own initiative may by order in writing suspend the execution or further execution of a resolution or order passed or made under this Act or the rules framed thereunder or any other law for the time being in force by a Gaon Sabha, Gaon Panchayat, Circle Panchayat or any officer
20 or servant thereof or any committee or sub-committee thereof, or prohibit the doing of any act which is about to be done, or is being done in pursuance or under cover of this Act or the rules framed thereunder or in pursuance of any sanction or permission granted by a Gaon Sabha, Gaon Panchayat or Circle Panchayat
25 in the exercise of its powers under this Act, if in its or his opinion such resolution, order, or act is in excess of the powers conferred by law or contrary to the interests of the public in general or Gaon Sabha or Gaon Panchayat or Circle Panchayat or likely to cause loss, waste or damage of funds or property of
30 the Gaon Sabha or Circle Panchayat, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, to encourage lawlessness or to cause injury or annoyance or obstruction to the public or to any class or body of persons or danger to the human life or safety:

35 Provided that the provisions of this sub-section shall not apply to any order passed by a Panchayati Adalat in a judicial proceeding.”

13. After section 90 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 90A.

40 “90A. (1) If a Pradhan, Up-Pradhan or a member of a Gaon Panchayat or a Sarpanch, Naib Sarpanch or Panch of a Circle Panchayat who has been removed from office or whose resignation from office has been accepted fails on demand by the prescribed authority to hand over the charge of his office, he Penalty for failure to hand over charge and cognizance of such offence.

shall be punishable with imprisonment of either description which may extend to three months or with fine or with both.

(2) No court shall take cognizance of an offence punishable under sub-section (1), save on complaint made by or under the authority of the prescribed authority. 5

(3) No court inferior to that of a Magistrate of the First Class shall try an offence punishable under sub-section (1)."

Insertion of
new section
92A.

14. After section 92 of the principal Act, the following section shall be inserted, namely:—

"Power to
require
removal of
encroach-
ments etc.

92A. (1) Notwithstanding anything contained in this Act 10 or the Delhi Land Reforms Act, 1954 and the rules made thereunder, or any other law for the time being in force, a Gaon Panchayat on receiving a report or other information and on taking such evidence, if any, as it thinks fit, may make a conditional order requiring, within such period as may be specified 15 in the order,

(a) the owner or the occupier of any building or land to remove any encroachment on a public street, public place or public drain, or

(b) the owner or occupier of any agricultural land to 20 destroy Rohll or any other such harmful weed or pests from such land; or should he object so to do, to appear before it at a time and place specified in the order and to move to have the order set aside or modified in the manner hereinafter provided. If he does not perform such act or 25 appear and show cause, the Gaon Panchayat shall report the facts of the case to the Circle Panchayat concerned. The Circle Panchayat shall constitute a Panchayati Adalat under section 50 and the Panchayati Adalat so constituted shall then make the order absolute. In the event of his appearing 30 and showing cause against the conditional order, the Gaon Panchayat shall record his objection and report the matter to the Circle Panchayat.

The Circle Panchayat shall thereupon constitute a Panchayati Adalat as aforesaid and the Panchayati Adalat 35 so constituted shall proceed to take evidence and if it is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case. If it is not so satisfied, the order shall be made absolute.

(2) If such act is not performed within the time specified after the order has been made absolute, the Gaon Panchayat may cause it to be performed and may recover the costs of performing it from such person.

5 (3) Any person who does not comply with the absolute order of the Panchayati Adalat made under this section shall be liable to a penalty which may extend to fifty rupees and if the breach is a continuing one, with a further penalty which may extend to two rupees for every day after the first during which the
10 breach continued, provided that the recurring penalty shall not exceed one thousand rupees."

STATEMENT OF OBJECTS AND REASONS

With a view to avoid certain difficulties experienced by Gaon Sabhas and Panchayats and Circle Adalats due to the Delhi Panchayat Raj Act and to afford protection to the common property belonging to the Gaon Panchayats and Gaon Sabhas, the present Bill seeks to amend certain sections of the Act.

Seeing the present powers of the Pradhan of the Gaon Panchayats, the Bill seeks to increase his authority and competence and to make the voice of the members of the Panchayats effective, so that the Panchayats and Circle Adalats may be able to act with authority.

NEW DELHI;

NAVAL PRABHAKAR.

The 30th April, 1963.

BILL No. 30 OF 1963

A Bill to make provision with respect to the use of eyes of deceased persons for therapeutic purposes.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Delhi Corneal Grafting Act, 1963.

Short
title
and
extent.

5 (2) It extends to the whole of the Union territory of Delhi.

2. In this Act, unless the context otherwise requires—

Definitions

(a) “approved institution” means a hospital or a medical or teaching institution for therapeutic purposes approved by the Government for the purposes of this Act;

10 (b) “near relative” means any of the following relatives of the deceased, namely, a wife, husband, parent, son, daughter, brother and sister, and includes any other person who is related to the deceased—

15 (i) by lineal or collateral consanguinity within three degrees in lineal relationship and six degrees in collateral relationship, or

(ii) by marriage either with the deceased or with any relative specifically mentioned in this clause or with any other relative within the aforesaid degrees.

Explanation.—The expressions “lineal consanguinity” and “collateral consanguinity” shall have the meanings assigned to them respectively in sections 25 and 26 of the Indian Succession Act, 1925;

30 of 1925.

(c) “registered medical practitioner” means a practitioner registered with the Punjab Medical Council or the Medical Council of India.

10

Removal
of eyes
of de-
ceased per-
son.

3. (1) If any person, either in writing at any time or orally in the presence of two or more witnesses during his last illness, has expressed a request that his eyes be used for therapeutic purposes after his death, the person lawfully in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorise the removal of the eyes from the body for those purposes. 15

(2) Without prejudice to the provisions of sub-section (1), the person lawfully in possession of the body of a deceased person may authorise the removal of the eyes from the body for the purposes aforesaid unless that person has reason to believe— 20

(a) that the deceased had expressed an objection to his eyes being so dealt with after his death and had not withdrawn such objection; or

(b) that a near relative of the deceased objects to the deceased's eyes being so dealt with. 25

(3) An authority given under the provisions of this section in respect of any deceased person shall be sufficient warrant for the removal of the eyes from the body and their use for the purposes aforesaid; but no such removal shall be effected except by a registered medical practitioner working in an approved institution who has satisfied himself by a personal examination of the body that life is extinct. 30

Authority
when not
to be
given.

4. The authority for the removal of the eyes shall not be given under section 3 if the person empowered to give such authority has reason to believe that an inquest may be required to be held on the body in accordance with the provisions of any law for the time being in force in that behalf. 35

5. No authority for the removal of eyes shall be given under section 3 in respect of the body of a deceased person by a person entrusted by another person with the body of a deceased person for the purpose only of its interment or cremation.

No authority for removal of eyes when body is entrusted to person by another only for cremation etc

5 6. (1) Nothing in the foregoing provisions of this Act shall be construed as rendering unlawful any dealing with the body or any part thereof, of a deceased person which would have been lawful if this Act had not been passed.

(2) Any authority for the removal of eyes given in accordance with the provisions of this Act shall not be deemed to be contravention of the provisions of section 297 of the Indian Penal Code.

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is merely that a patient during his serious illness may be enabled to authorise, either in writing or orally in the presence of two or more witnesses the removal of his eyes after death and their use for therapeutic purposes. The right to remove one's eye shall vest only in a medical practitioner working in some approved institution.

Eyes have a very great significance in human life. On acquisition of sight, a man feels real bliss and he considers himself to be perfect in a way. There is no greater charity than donation of eyes. This Bill seeks to give legal form to the solution of the problem of giving sight to the blind.

NEW DELHI;

NAVAL PRABHAKAR.

The 29th May, 1963.

BILL No. 27 OF 1963

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. This Act may be called the Indian Penal Code (Amendment) Act, 1963. Short title.

45 of 1860. 5 2. In section 324 of the Indian Penal Code (hereinafter referred to as the principal Act) the words "or any corrosive substance" shall be omitted. Amendment of section 324.

3. After section 324 of the principal Act, the following new section shall be inserted, namely:— Insertion of new section 324A.

10 "324A. Whoever voluntarily causes hurt by means of any corrosive substance, shall be punished with rigorous imprisonment for a term not less than three years and shall also be liable to fine." Voluntarily causing hurt by means of corrosive substance.

4. In section 326 of the principal Act, the words "or any corrosive substance" shall be omitted. Amendment of section 326.

5. After section 326 of the principal Act, the following new section shall be inserted, namely:— Insertion of new section 326A.

20 "326A. Whoever voluntarily causes grievous hurt by means of any corrosive substance shall be punished with imprisonment for life and shall also be liable to fine." Voluntarily causing grievous hurt by means of corrosive substance.

STATEMENT OF OBJECTS AND REASONS

Of all the offences affecting human body, throwing of acids is the most heinous. It not only destroys the happiness of the human being against whom such offence is committed, but also ruins the entire family. There have been cases where the parents have died as the result of the shock after seeing the condition of their daughter—the victim of such an outrage. Of late, an increase in the incidence of such crime is being noticed. Only a highly deterrent punishment can check such crimes. Hence this Bill.

NEW DELHI;

C. K. BHATTACHARYYA.

The 24th June, 1963.

BILL No. 34 OF 1963

A Bill to enforce ban on employees of the Government of India from entering into service in private undertakings after their retirement.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Government Servants (Ban on Service after Retirement) Act, 1963.

Short title,
extent and
commence-
ment.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

10 (a) "Government servant" means an employee belonging to the Central Government whose monthly emoluments exceed rupees three hundred.

(b) "Service in private undertaking" shall include service of any nature other than the Government service.

15 3. No Government servant shall, on retirement from Government service, enter into service in any private undertaking for a period of four years:

Provided that after the expiry of the said period of four years Government may accord permission to a Government servant to enter into service in a private undertaking after ensuring that—

(a) the concerned private undertaking was not in any way connected with his former position in the Government service; 5

(b) at the time of his appointment in the concerned private undertaking, none of his relations in the Government service is directly or indirectly concerned with it; and

(c) during the said period of four years he has, in no way, tendered directly or indirectly any advice or rendered any 10 assistance to the concerned private undertaking.

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to ban the employees of Government of India from entering private enterprises or industrial establishments after their retirement.

NEW DELHI;
The 11th July, 1963.

R. G. DUBEY.

M. N. KAUL,
Secretary.

